

### **Generic Side Agreement for Tier 3 Actions**

05/02/02

The Lead AA-ship/Region for the Tier 3 action is responsible for ensuring that the identified representatives of the other AA-ships/Regions that ask to participate in the development of the Tier 3 action through the tiering process, are consulted and afforded an opportunity to participate in the development and decision-making process for the Tier 3 actions. This side agreement applies to everything newly tiered as a tier 3 action, as well as to everything already in Tier 3, as applicable given the stage of the action. In those rare circumstances where it needs to be supplemented with additional agreements, those agreements will need to be clearly documented.

The Lead AA-ship/Regional Project Manager (Workgroup Chair/Action Lead) will:

- ☐ Shortly after tiering, consult with the identified representative of the participating AA-ships/Regions to identify specific interests/areas of concern and/or expertise, and define the level of desired participation, i.e., full participation, reviewer, consultant.
- ☐ Invite the identified representative of the participating AA-ships/Regions to Team or Workgroup meetings, if held, and to key management briefings, if held.
- ☐ Provide an opportunity for the identified representative of the participating AA-ships/Regions to participate in review (and where appropriate, the development) of related issue, briefing, and option selection papers prepared for management.
- ☐ Provide an opportunity for the identified representative of the participating AA-ships/Regions to participate in the review (and where appropriate, the development) of the action's draft document(s), i.e., the rule and preamble, FR document, or other documents in which the action is being taken (guidance, policy statement, report, etc.).
- ☐ Ensure that the participating AA-ships/Regions have the opportunity to participate in the final review of the document(s), and are informed of any distribution of a final draft so that the participating AA-Ships/Regions can ensure that they provide their final comments.
- ☐ Work with the participating AA-ships/Regions to address comments and issues raised.
- ☐ Ensure that sufficient time is provided to the identified representative of the participating AA-ships/Regions, so that they may undertake a meaningful review and complete any necessary discussions with their management.

The Participating AA-ship/Regional Staff Contacts will:

- ☐ Shortly after tiering, communicate and discuss with the Project Manager the specific interests/areas of concern and/or expertise related to the Tier 3 action, along with the level of their desired participation, i.e., full participation, reviewer, consultant.

- ☐ Respond to meeting invitations. This will ensure that the Project Manager knows that they have received the message and confirms their continued involvement even if they do not attend the meeting or briefing.
- ☐ Actively participate in the review (and where appropriate, the development) of materials.
- ☐ Ensure that comments and advice provided are representative of the AA-ship/Region and program that they represent, and clearly indicate when that is not the case.
- ☐ Participate and comment in a timely manner, making sure to represent management's position, and work with the lead office to resolve comments and issues raised.
- ☐ Inform their Regulatory Steering Committee (RSC) representative or Regional Regulatory Contact (RRC) and the Project Manager for the action when they are reassigned, and provide the name of a replacement contact, even if that person will only be an interim contact.

#### Resolving Issues:

Similar to the Action Development Process, the Project Manager and the Participating AA-ship/Regional Staff Contacts will work together to resolve issues and to quickly elevate unresolved issues to management for resolution.

#### Discontinuing Participation:

The participating contact may determine at any time that their office should no longer participate in the action. In such cases, they must inform their RSC representative or RRC that they recommend that their office withdraw from further participation in the action. The RSC Representative/RRC will determine whether the AA-ship/Region will withdraw from the activity. If so, that RSC Representative/RRC will notify the RSC Representative/RRC for the Lead AA-ship/Region and OPEI that they are withdrawing from further participation in that activity. The RSC Representative/RRC will inform their Project Manager, and OPEI will document the withdrawal in RAPIDS.